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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

13 **LEONARD PALMER DOOTSON, III**  
14 27162 9th Street  
15 Highland, CA 92346

16 Respondent.

Case No. 2011-683

**STATEMENT OF ISSUES**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about July 12, 2010, the Board of Registered Nursing (Board), received an  
24 application for a Registered Nurse License from Leonard Palmer Dootson, III (Respondent). On  
25 or about July 7, 2010, Respondent certified under penalty of perjury to the truthfulness of all  
26 statements, answers, and representations in the application. The Board denied the application on  
27 August 9, 2010.

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1           "(f) Conviction of a felony or of any offense substantially related to the  
2 qualifications, functions, and duties of a registered nurse, in which event the record of the  
3 conviction shall be conclusive evidence thereof."

4       7.     Section 2762 states, in pertinent part:

5           "In addition to other acts constituting unprofessional conduct within the meaning of this  
6 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
7 chapter to do any of the following:

8           ....

9           "(b) Use any controlled substance as defined in Division 10 (commencing with  
10 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
11 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
12 injurious to himself or herself, any other person, or the public or to the extent that such use  
13 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
14 license.

15           "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
16 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
17 or the possession of, or falsification of a record pertaining to, the substances described in  
18 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
19 thereof."

20       8.     Section 490 states, in pertinent part:

21           "(a) In addition to any other action that a board is permitted to take against a  
22 licensee, a board may suspend or revoke a license on the ground that the licensee has been  
23 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
24 of the business or profession for which the license was issued.

25           "(b) Notwithstanding any other provision of law, a board may exercise any authority  
26 to discipline a licensee for conviction of a crime that is independent of the authority granted under  
27 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
28 of the business or profession for which the licensee's license was issued.

1           “(c)       A conviction within the meaning of this section means a plea or verdict of  
2 guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to  
3 take following the establishment of a conviction may be taken when the time for appeal has  
4 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting  
5 probation is made suspending the imposition of sentence, irrespective of a subsequent order under  
6 the provisions of Section 1203.4 of the Penal Code.”

7           9.   California Code of Regulations, title 16, section 1444 states, in pertinent part:

8           “A conviction or act shall be considered to be substantially related to the  
9 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
10 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
11 public health, safety, or welfare.”

12                           **FIRST CAUSE FOR DENIAL OF APPLICATION**

13                                   (Conviction of Substantially Related Crime)

14           10.   Respondent's application is subject to denial under section 2761, subdivision (f), as  
15 defined in California Code of Regulations, title 16, section 1444, in that on or about December  
16 16, 1992, Respondent was convicted of a crime substantially related to the qualifications,  
17 functions or duties of a registered nurse.

18           a.   On or about July 14, 2008, after pleading nolo contendere, Respondent was convicted  
19 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving  
20 while having 0.08% and more, by weight, of alcohol in blood] in the criminal proceeding entitled  
21 *The People of the State of California v. Leonard Dootson, III* (Superior Court, Los Angeles  
22 County, 2008, No. 8V403408.) The Court placed Respondent on 36 months of probation, with  
23 terms and conditions. The circumstances surrounding the conviction are that on or about July 14,  
24 2008, California Highway Patrol observed Respondent to be driving in a “serpentine manner” and  
25 straddling lanes with his vehicle. After pulling over Respondent’s vehicle, officers observed that  
26 Respondent’s eyes were red and watery, his speech was slurred and they smelled a strong odor of  
27 alcohol emitting from his vehicle. Respondent admitted to officers that he had consumed two  
28 beers. Based on the preceding and his poor performance on field sobriety tests, the officers

1 arrested and booked Respondent into Van Nuys jail where Respondent provided two breath  
2 samples, with a reading of .10% and .10%.

3 b. On or about December 16, 1997, after pleading nolo contendere, Respondent was  
4 convicted of one misdemeanor count of violating Vehicle Code section 23103 [reckless driving]  
5 in the criminal proceeding entitled *The People of the State of California v. Leonard Palmer*  
6 *Dootson, III* (Superior Court, Los Angeles County, 1997, No. 7PA04446). The Court placed  
7 Respondent on 2 years probation, with terms and conditions. The circumstances surrounding the  
8 conviction are that on or about November 15, 1997, Respondent was arrested by Pasadena Police  
9 officers for suspicion of driving under the influence, in violation of Vehicle Code section 23152,  
10 subdivision (a) [driving under the influence of alcohol or drugs], subdivision (b) [driving while  
11 having 0.08% and more, by weight, of alcohol in blood], and Vehicle Code section 12500  
12 [driving on a suspended driving license].

### 13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 (Conviction of Crime Involving Alcohol)

15 11. Respondent's application is subject to denial under section 2761, subdivision (a), on  
16 the grounds of unprofessional conduct, as defined in section 2762, subdivision (c), in that on or  
17 about July 14, 2008, Respondent was convicted of a criminal offense involving the consumption  
18 or self-administration of alcoholic beverages, as set forth above in paragraph 10.

### 19 **THIRD CAUSE FOR DENIAL OF APPLICATION**

20 (Use of Alcoholic Beverages in Dangerous/Injurious Manner)

21 12. Respondent's application is subject to denial under section 2761, subdivision (a), on  
22 the grounds of unprofessional conduct, as defined in section 2762, subdivision (b), in that on or  
23 about July 14, 2008, Respondent used alcoholic beverages to an extent or in a manner dangerous  
24 to himself, or any person or the public, as set forth above in paragraph 10.

### 25 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

26 (Violations of Grounds Enumerated in B & P 480)

27 13. Respondent's application is subject to denial under section 2736 for grounds  
28 enumerated in section 480, as follows:

1 a. Subdivision (a)(1), in that Respondent was convicted of a crime set forth above in  
2 paragraph 10.

3 b. Subdivision (a)(3), in that Respondent was convicted of a crime substantially related  
4 to the qualifications, duties and functions of a registered nurse, which is an act that would have  
5 been grounds for discipline if committed by a licensee under sections 2761(a), 2761(f), 490,  
6 2762(b), 2762(c), and CCR, title 16, section 1444, as set forth above in paragraphs 10, 11, and 12.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Denying Leonard Palmer Dootson, III's Application for Licensure by Examination;  
11 and,  
12 2. Taking such other and further action as deemed necessary and proper.

13 DATED: 2/4/2011

14 *Louise R. Bailey*  
15 LOUISE R. BAILEY, M.ED., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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